



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

ON THE FOLLOWING MEASURE:

S.B. NO. 567, S.D. 2, H.D. 2, RELATING TO MENTAL HEALTH TREATMENT.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Wednesday, April 3, 2019

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): Clare E. Connors, Attorney General, or
Erin LS Yamashiro, Deputy Attorney General

Chair Luke and Members of the Committee:

The Department of the Attorney General (Department) appreciates the intent of this bill and provides the following comments.

The purpose of this bill is to facilitate the use of assisted community treatment for individuals with serious mental illness by amending chapter 334, Hawaii Revised Statutes (HRS). This bill requires an assessment for assisted community treatment before the individual is released from a psychiatric facility, and requires the Department, if needed, to assist with the petition for assisted community treatment and the related court proceeding.

The Department notes that two deputy attorney general positions are needed to make certain there is adequate court representation throughout the State to assist with the assisted community treatment matters. Additionally, support staff, including a paralegal and a legal clerk, is needed to assist with preparing and processing court documents. The cost for office space and related office expenses must be included as well. If the Committee's intent is to provide statewide assistance for these matters, it should also consider the related travel costs, including transportation. The Department suggests that the amount needed to accomplish this bill's purpose is \$332,000, for fiscal year 2019-2020, which includes a one-time cost of \$24,000 to set-up an office, and the sum of \$308,000 for fiscal year 2020-2021. The following is the breakdown for the suggest amounts:

Estimated Annual Cost

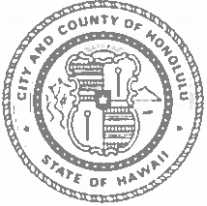
Two Deputies Attorney General	=	\$180,000
One Legal Assistant	=	\$48,000
One Legal Clerk	=	\$38,000
Office Rental	=	\$30,000
Operating Costs	=	\$6,000
Travel	=	\$6,000
<hr/>		
Total Annual Cost	=	\$308,000

Estimated One Time Cost

Office Furniture	=	\$20,000
Computers	=	\$4,000
<hr/>		
Total One Time Cost	=	\$24,000

The Department also notes that it is necessary for the Attorney General to retain the discretion and responsibility to manage her deputies according to the demands of the Department. The newly created deputy attorney general positions should not be dedicated to handling assisted community treatment matters and related proceedings. The number of community requests for assistance in these matters is unknown and may fluctuate over time. If a deputy is required to handle only one type of matter, then that deputy may be overwhelmed with requests leading to a delay in the process or that deputy will not be utilized efficiently.

Thank you for the opportunity to provide comments.



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WRITTEN TESTIMONY ONLY

April 3, 2019

TESTIMONY OF
COUNCIL CHAIR EMERITUS & VICE CHAIR RON MENOR
COUNCIL DISTRICT 9
CITY AND COUNTY OF HONOLULU

Senate Bill 567 SD2 HD2
RELATING TO MENTAL HEALTH TREATMENT.

Chair Luke, Vice Chair Cullen and Members of the House Committee on Finance (FIN):

I am testifying in support of Senate Bill 567 SD2 HD2.

Improvements are needed to the utilization of the Assisted Community Treatment (ACT) law that was approved by the Legislature in 2013. The intent of the law was to help individuals whose lives are so impacted by mental illness that they are unable to recognize their need for treatment. The lack of treatment for this segment of the population has resulted in high utilization of hospital emergency rooms, ambulance, police, fire, inpatient treatment, arrest and court time – all of which being very costly to the community at large.

Over five years, the ACT law was utilized to help only ten individuals. When the law was implemented, it was hoped that it would help many more people. With improvements in Senate Bill 567 SD2 HD2, we are hopeful that these individuals will get the care that they deserve.

Mahalo for the opportunity to testify in support of this bill.

SB-567-HD-2

Submitted on: 4/1/2019 4:48:49 PM

Testimony for FIN on 4/3/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Goodman	Hawaii Kai Homeless Task Force	Support	Yes

Comments:

Dear Representative Like, Chair and Representative Cullen, Vice Chair, and all Members of the House Committee on Finance; Thank you for the opportunity to testify in strong support of SB567.

Proposed Amendment.

Untreated mental illness along with concurrent substance abuse is the storm at the heart of the homeless crisis. Tepid measures are unacceptable. This bill should therefore require the Mental Health Emergencies Task Force, to include in their recommendations an estimate of what would be required to serve everyone in need (about three-thousand patients).

Why this bill is so important.

SB567 will help to ensure that people experiencing severe mental illness and substance addiction are connected to the services they need to ensure their safety and stability. Partners in Care (PIC)—a coalition of more than 50 non-profit homelessness providers—strongly supports this bill as a critical component of a comprehensive plan to address homelessness in Hawaii.

People experiencing severe mental illness and drug addiction represent a significant portion of the population experiencing homelessness in Hawai'i. These are the individuals we see every day on our streets: psychotic, hallucinating, behaving erratically, with very poor hygiene and living under horrific and inhumane circumstances. They are extremely high utilizers of ambulance, police, ER, inpatient treatment, crisis services, arrest, and adjudication—at great expense; have been non-responsive to repeated homeless outreach attempts; are frequently victims of assault and, for women, rape; and do not understand that they are ill and therefore refuse treatment. Their untreated psychosis/schizophrenia also causes brain damage, resulting in reduced brain functioning and decreased likelihood of recovery.

The Assisted Community Treatment (ACT) law, enables courts to order individuals who meet very specific criteria, to receive treatment in the community. However, due to technical issues, ACT is impractical to use, and only ten people were served since it

was enacted in 2013. SB567 is a crucial part of a series of bills including, SB1124, SB1051, SB1464 and SB1465, all of which are intended to make critical improvements to the ACT program. It's important for all of these bills to pass.

SB 567 will make the following changes:

1. Ensuring that individuals discharging under certain circumstances (e.g., release from voluntary inpatient treatment at a psychiatric facility) undergo an evaluation to determine whether an ACT plan is appropriate;
2. Establishing a Mental Health Emergencies Task Force to: (1) determine why medical facilities are not evaluating whether individuals brought for mental health emergencies meet criteria for ACT orders and other mental health services, and (2) to explore options for creating a state-funded treatment team for such persons; and
3. Make the department of the Attorney General responsible for filing ACT orders.

Mahalo for your attention and consideration.



OAHU REGION HAWAII HEALTH SYSTEMS CORPORATION

**House Committee on Finance
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice-Chair**

April 3, 2019
Conference Room 308
Hawaii State Capitol

Derek Akiyoshi
Oahu Region Chief Executive Officer
Hawaii Health Systems Corporation
Re: Testimony in Support (Section 3)
SB 567, SD2, HD2, Relating to Mental Health Treatment

Aloha Chair Luke, Vice-Chair Cullen, and Members of the House Committee on Finance.

The current focus of the Oahu Regional Health System Board of Directors (hereinafter, "OR Board") is to maximize the use of our facilities for the greatest public benefit and to develop initiatives to be more fiscally responsible and sustainable. It is toward the former focus that the OR Board supports SB 567, SD2, HD2 (Section 3), which requires the Department of Health to convene a mental health emergencies task force that would, in part, explore the feasibility of Leahi hospital and Maluhia (the two Oahu Region facilities) as centers for community-based mental health care.

While we are proud of the important public services we currently provide – including in-patient long-term care, adult day health (2 of only 5 programs on Oahu), the only certified TB (tuberculosis) unit in Hawaii, and a geriatric outpatient clinic – we are always committed to finding ways to do more. Accordingly, we fully support a collaborative effort with other public and private agencies to address the vital need for community-based mental health care, especially if the Oahu Region's facilities are ultimately determined to be feasible locations for the provision of such services.

Thank you for the opportunity to offer testimony on this very important matter.



PARTNERS IN CARE

Oahu's Continuum of Care

Our mission is to eliminate homelessness through open and inclusive participation and the coordination of integrated responses.

TESTIMONY IN SUPPORT OF SB 567 SD2 HD2, RELATING TO MENTAL HEALTH TREATMENT

TO: Rep. Sylvia Luke, Chair, Rep. Ty Cullen, Vice Chair, and members, Committee on Finance

FROM: Marya Grambs, member, Board of Directors, Partners in Care

Hearing: **04.03.19, 2 pm, rm 308**

Thank you for the opportunity to provide testimony **in support** of SB567 SD2 HD2. I am Marya Grambs, member, Board of Directors of Partners in Care, a planning, coordinating, and advocacy alliance that develops recommendations for programs and services to fill needs within Oahu's Continuum of Care for persons experiencing homelessness.

SB567 will increase opportunities for the filing of Assisted Community Treatment (ACT) petitions and therefore increase the numbers of vulnerable, severely mentally ill, chronically homeless individuals who can be helped by such orders.

SB567 requires that when individuals are being discharged for involuntary psychiatric hospitalization, they must be examined by the appropriate mental health professional to determine whether they meet the criteria for an ACT order. This will reduce the current practice of individuals being released from involuntary emergency hospitalization to the streets, only to repeatedly decompensate and be re-admitted (or arrested).

Moreover, SB567 requires the Dept of Health to convene a mental health emergencies task force – this is greatly needed. It will assess why emergency rooms are currently not filing ACT orders on appropriate individuals, and will additionally explore the creation of a treatment team for such persons. A treatment team would work together collaboratively to bring successful petitions to court. This is done successfully in other jurisdictions. Leahi Hospital and Maluhia are noted as possibilities to be explored for community-based care.

Finally, SB567 requires that the Attorney General's office assist with the filing of such petitions. This is very important: an attorney is needed to successfully file a petition, and community agencies and families generally do not have the resources to hire an attorney, and are thus unable to successfully file petitions.

As you know, ACT orders target those individuals who are psychotic, have been repeatedly hospitalized or jailed, live in degraded and inhumane circumstances, are unable to take care of themselves, and are often victims of violence or sexual assault. These are some of the changes to the ACT law which are recommended by multiple stakeholders, based on the past five years of difficulty in obtaining ACT orders, resulting in a miniscule number of orders having been granted.

Thank you for the opportunity to testify on behalf of Partners in Care in support of this bill.



CATHOLIC CHARITIES HAWAII

TESTIMONY IN SUPPORT OF SB 567, SD2, HD2: Relating to Mental Health Treatment

TO: Representative Sylvia Luke, Chair, Representative Ty Cullen, Vice Chair, and Members, Committee on Finance

FROM: Betty Lou Larson, Legislative Liaison, Catholic Charities Hawai'i

Hearing: Wednesday, 4/3/19; 2:00 PM; CR 308

Chair Luke, Vice Chair Cullen, and Members, Committee on Finance:

Thank you for the opportunity to provide testimony **in support** of SB 567, SD2, HD2, which facilitates the assessments of mental health patients who are homeless and may benefit from/need an assisted community treatment plan. I am Betty Lou Larson, with Catholic Charities Hawai'i. We are also a member of Partners in Care.

Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been providing social services in Hawai'i for over 70 years. CCH has programs serving elders, children, families, homeless and immigrants. Our mission is to provide services and advocacy for the most vulnerable in Hawai'i.

Probably the most vulnerable of all the homeless living on the streets in Hawaii are the severely mentally ill individuals who suffer from psychosis, hallucinations and bizarre behaviors. They are living in degrading and inhumane situations. They are at great risk of assault, and for women, rape. They have been unreachable by homeless outreach teams. The public is afraid of them and demands that the government or police "do something". Yet, often they are just moved along to another location.

These homeless individuals often are frequent users of emergency rooms. Assisted community treatment (ACT) is an available but under-utilized option for people with these serious mental illnesses to receive on-going treatment in the least restrictive setting. ACT can reduce the trend toward repeat emergency interventions as the primary course of treatment for the seriously mentally ill.

SB 567 is critical because it addresses the barriers to actually using ACT to improve the lives of these seriously mentally ill persons. The creation of a task force to explore why medical facilities are not diverting more people to this service as well as looking at other options is a big step forward to finding solutions.

As Mother Theresa once said, "If we have no peace, it is because we forget that we belong to each other." It's time to demonstrate that we have not forgotten people who struggle with severe mental illness on the streets. We need to seek humane solutions to help these most vulnerable homeless.

This bill is an important step forward. We urge your support. Please contact me at (808) 373-0356 or bettylou.larson@catholiccharitieshawaii.org if you have any questions.



Catholic
Charities
USA



CLARENCE T. C. CHING CAMPUS • 1822 Ke'eaumoku Street, Honolulu, HI 96822
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TESTIMONY IN SUPPORT OF SB 567, SD 2, HD 2

TO: House Committee on Finance

FROM: Nikos Leverenz
Grants, Development & Policy Manager

DATE: April 3, 2019 (2:00 PM)

Chair Luke, Vice-Chair Cullen, and Members of the Committee:

Hawai'i Health & Harm Reduction Center (HHRC) **supports** SB 567, SD 2, HD 2, which would facilitate the preparation of assisted community treatment (ACT) orders for those who have been discharged from an involuntary commitment to a psychiatric facility.

It is inhumane to leave people with severe mental illness languishing in the streets. We cannot simply ignore people's needs when they are in such a state of psychosis that they are refusing treatment and assistance because they do not understand they are ill, and as a result are posing a serious risk to themselves. While we have had increased access to ACT in recent years, lack of capacity within the system has made it challenging to implement. Only 10 individuals have been placed under ACT orders since the law was passed in 2013.

HHRC works with many individuals who are impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those relating to substance use and underlying mental health conditions.

Thank you for the opportunity to testify on this measure.

Helping Hawai'i Live Well

To: Representative Sylvia Luke, Chair, Representative Ty Cullen, Vice Chair, Members, House Committee on Finance

From: Trisha Kajimura, Executive Director

Re: TESTIMONY IN SUPPORT OF SB 567 SD2 HD2 RELATED TO MENTAL HEALTH TREATMENT

Hearing: April 3, 2019, 2:00 pm, CR 308

Thank you for hearing **Senate Bill 567 SD2 HD2**, which amends Chapter 334 of the Hawaii Revised Statutes by adding a new section to part VIII to ensure that Assisted Community Treatment is considered for individuals under certain circumstances related to mental illness by a psychiatrist or advanced practice registered nurse. The bill also convenes a much-needed mental health emergencies task force,

Mental Health America of Hawaii is a 501(c)3 organization founded in Hawai'i 77 years ago, that serves the community by promoting mental health through advocacy, education and service.

Assisted Community Treatment (ACT) was passed by the Legislature in 2013 and was intended to help people who are so sick from mental illness that they are unable to recognize the need for their own treatment. Without assisted community treatment, these are community members living in terrible conditions, often homeless, unable to care for themselves and their own basic physical needs, hallucinating and suffering needlessly. With the proper treatment as provided through an ACT order, they are capable of a much higher level of functioning and can recover from their illness.

Currently, private service providers, community organizations and families do not have the resources to navigate the complex and congested system. The law needs to be further adjusted to improve the ACT process and bring more people with untreated mental illness enter recovery, escaping homelessness and its lack of dignity and humanity.

Thank you for considering my **testimony in support of SB 567 SD2 HD2**. Please contact me at trisha.kajimura@mentalhealthhawaii.org or (808)521-1846 if you have any questions.



Inspiring Hope, Changing Lives

Visit us on the web: www.hopeserviceshawaii.org

Connect via email: info@hopeserviceshawaii.org

HOPE Help Line: 808-935-3050

Hearing: **SB 567 SD2 HD2, in support**
Date: April 3, 2019
Location: State Capitol, Room 308

Aloha Committee Chair, Vice-Chair, and Committee Members:

I am submitting testimony on behalf of HOPE Services Hawai'i, a nonprofit homelessness service provider, in support of SB 567 SD2 HD2--a bill that, if passed, will immensely help us in our mission to end homelessness in Hawai'i.

We are all familiar with the problems caused by combination of chronic homelessness and severe mental illness: individuals exhibiting psychotic and erratic behavior, poor hygiene, and creating makeshift homes in destitute and substandard conditions: in parks, on sidewalks, in storefronts, and in tent cities. These individuals are extremely high utilizers of public services such as ambulance, police, ER, inpatient treatment, crisis services, arrest, and adjudication, at great expense to both the government and their communities. They frequently do not understand that they are ill, and therefore refuse outreach attempts and treatment, leaving themselves at risk for further harm--both men and women are frequent victims of assault, and women are at an especially high risk of rape. Additionally, untreated psychosis and schizophrenia cause brain damage. Every day we allow someone suffering from these illnesses to live on the street marks a decrease in the likelihood that they will recover and be able to live as a healthy, high-functioning, adult.

Our neighbors who suffer from the afflictions enumerated above have a "right to treatment." One avenue for providing this treatment is the Assisted Community Treatment (ACT) law, which enables the Court to order individuals like these, who meet very specific criteria, to receive treatment in the community; a related mechanism is that of obtaining guardianship. SB 567 would assign the Attorney General's office to assist with ACT petitions, to ensure that these cases are handled with expertise, and given sufficient attention.

The passage of this bill benefits all of us. It will help assist those who desperately need our help, and also will benefit many others, including: medical personnel, social service providers, police, and the court system, who will be able to free up their resources to meet other needs; business owners, who may worry less about these individuals driving away customers; parents, who will feel safer with their children being out in public; and finally our keiki, who will learn by example how we show aloha to those less fortunate than ourselves.

For these reasons, HOPE Services Hawai'i urges the passage of SB 567 SD2 HD2.

Mahalo nui for your consideration.

Sincerely,

Brandee Menino,
Chief Executive Officer

JOIN OUR COMMUNITY



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THE QUEEN'S HEALTH SYSTEMS

To: The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice Chair
Members, Committee on Finance

From:  Paula Yoshioka, Vice President, Government Relations and External Affairs, The Queen's Health Systems

Date: April 2, 2019

Hrg: House Committee on Finance Hearing; Wednesday, April 3, 2019 at 2:00 PM in Room 308

Re: Comments on S.B. 567, S.D. 2, H.D. 2, Related to Mental Health Treatment

The Queen's Health Systems (Queen's) is a not-for-profit corporation that provides expanded health care capabilities to the people of Hawai'i and the Pacific Basin. Since the founding of the first Queen's hospital in 1859 by Queen Emma and King Kamehameha IV, it has been our mission to provide quality health care services in perpetuity for Native Hawaiians and all of the people of Hawai'i. Over the years, the organization has grown to four hospitals, 66 health care centers and labs, and more than 1,600 physicians statewide. As the preeminent health care system in Hawai'i, Queen's strives to provide superior patient care that is constantly advancing through education and research.

Queen's appreciates the opportunity to provide comments on S.B. 567, S.D. 2, H.D. 2, Related to mental health treatment. This measure would require an attending physician to assess if assisted community treatment (ACT) is indicated, and if so indicated, require the Attorney General to assist with the petition for ACT and related court proceedings. The Department of Health would also be required to convene a Mental Health Emergencies Task Force. While Queen's appreciated the intent of this measure, however we are concerned that this bill would create barriers for hospitals to appropriately discharge patients and could result in increased waitlist at our facility, which is already at capacity.

We would request the following amendment to the bill under Section 1, (b), lines 3 through 16 on page 1 and lines 1-2 on page 2 to read as:

"(b) ~~[For civil commitments that do not result directly from legal proceedings under chapters 704 and 706, when]~~ When the administrator or attending physician of a psychiatric facility contemplates discharge of an involuntary patient, the administrator or attending physician ~~[may]~~ shall assess whether an assisted community treatment plan is indicated pursuant to section 334-123 and, if so indicated, ~~[may communicate with an aftercare provider as part of discharge planning, as appropriate.]~~ a licensed psychiatrist or advanced practice

The mission of The Queen's Health Systems is to fulfill the intent of Queen Emma and King Kamehameha IV to provide in perpetuity quality health care services to improve the well-being of Native Hawaiians and all of the people of Hawai'i.



THE QUEEN'S HEALTH SYSTEMS

registered nurse of the facility shall prepare the certificate specified by section 334-123(b), and shall notify the department of the attorney general, which shall assist with the petition for assisted community treatment and the related court proceeding. The facility may notify another mental health program for assistance with the coordination of care in the community. **Nothing in this section shall delay the appropriate discharge of a person from the facility for assisted community treatment.**

Thank you for your time and attention to this important issue.

The mission of The Queen's Health Systems is to fulfill the intent of Queen Emma and King Kamehameha IV to provide in perpetuity quality health care services to improve the well-being of Native Hawaiians and all of the people of Hawai'i.

SB-567-HD-2

Submitted on: 4/2/2019 3:13:42 PM

Testimony for FIN on 4/3/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support SB567. Many people who have mental health issues self-medicate because there are no services available to them. Many also are veterans.

Thank you for the opportunity to present my testimony.

Andrea Quinn
Kihei



LATE

**STATE OF HAWAII
DEPARTMENT OF HEALTH**

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**Testimony in SUPPORT of SB0567 SD2 HD2
RELATING TO MENTAL HEALTH TREATMENT**

REPRESENTATIVE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE

Hearing Date and Time: Wednesday, April 3, 2019 at 2:00 p.m.

Room: 308

1 **Fiscal Implications:** Undetermined.

2 **Department Testimony:** The Department of Health (DOH) supports this measure in its
3 current form.

4 The DOH recognizes that it is statutorily responsible for the development and
5 implementation of a statewide mental health system in partnership with government and
6 community organizations.

7 The DOH notes that while timely and effective access to treatment for a mental health
8 emergency is a complex issue, the proposed mental health emergencies task force will provide
9 an opportunity for the DOH to work with partner agencies, community facilities with emergency
10 rooms, and community-based service providers to address statutory and programmatic
11 initiatives that support the use of assisted community treatment.

12 We acknowledge that access to timely mental health treatment is a critical component of
13 ongoing community-based health care and are committed to creating a more seamless
14 continuum.

15 Thank you for the opportunity to testify.

16 **Offered Amendments:** None.

SB-567-HD-2

Submitted on: 4/3/2019 6:21:57 AM

Testimony for FIN on 4/3/2019 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kimo K. Carvalho	IHS, The Institute for Human Services	Support	No

Comments: